UNITED
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Security Council

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S/1998/533
18 June 1998

ORIGINAL: ENGLISH

LETTER DATED 18 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government, I have the honour to enclose the Croatian draft text for an agreement between the Republic of Croatia and the Federal Republic of Yugoslavia in which a permanent solution to the security issue of Prevlaka is proposed.

The draft agreement was formally submitted to the Federal Republic of Yugoslavia on 15 June 1998 in Zagreb.

I would kindly request your assistance in distributing the present letter and its annex as a document of the Security Council.

(Signed) Dr. Ivan ŠIMONOVIĆ
Permanent Representative

Annex

Draft agreement between the Republic of Croatia and the Federal Republic of Yugoslavia on the permanent solution of the Prevlaka issue

The Republic of Croatia and the Federal Republic of Yugoslavia (hereinafter the Parties);

Proceeding from the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, by which they recognize one another as independent, sovereign and equal States within their respective internationally recognized borders,

Recalling the principles embodied in the Charter of the United Nations, the Helsinki Final Act of 1975 and the Charter of Paris for a New Europe of 1990, especially the principle of the inviolability of internationally recognized borders, as well as the opinions of the Badinter Commission of 1991,

Convinced that the resolution of the Prevlaka issue will contribute significantly to economic growth and the development of tourism in the areas of the Republic of Croatia and the Federal Republic of Yugoslavia along the southern border between the two States,

Wishing to contribute to further normalization of their bilateral relations aimed at strengthening peace and security in this part of Europe,

Reaffirming the obligations contained in the agreement on the normalization of relations concerning the resolution of the issue of Prevlaka,

Have agreed as follows:

Article 1

The Parties agree that, in the spirit of good-neighbourly relations and respect for the territorial integrity and sovereignty of both countries, as well as for achieving full security of the part of the territory of the Republic of Croatia in the area of Dubrovnik and the part of the territory of the Federal Republic of Yugoslavia in the area of the Boka Kotorska Bay, the present Agreement shall permanently resolve the issue of Prevlaka.

Article 2

The international border shall be identified, demarcated and marked by a joint Croatian-Yugoslav commission for regulating the southern border between the Republic of Croatia and the Federal Republic of Yugoslavia.

The working methods and composition of the joint commission shall be defined in an annex to this Agreement.

Article 3

The Parties agree that in the interest of creating conditions for better cooperation, freedom of movement and overall economic development along the southern border area between the Republic of Croatia and the Federal Republic of Yugoslavia, the border crossing points at Debeli Brijeg and Konfin shall be opened.

The categorization of those border crossing points shall be regulated at a later date in an annex to the Agreement on the Regulation of Border Crossing Points between the Republic of Croatia and the Federal Republic of Yugoslavia, signed on 15 September 1997.

Article 4

The delimitation at sea between the Republic of Croatia and the Federal Republic of Yugoslavia shall be carried out in accordance with international law, particularly in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982.

Article 5

With the aim of creating the conditions for the preservation of lasting stability in the area, the Parties agree to carry out demilitarization within a zone two kilometres deep from the international frontier towards the interior of their respective territories.

The Republic of Croatia agrees to temporary asymmetrical demilitarization to a distance of five kilometres from the frontier towards the interior of the Republic of Croatia for a period of five years.

For the purposes of supervision, the Parties shall provide one another direct access to information about the implementation of the demilitarization regime, the modalities of which shall be regulated by an annex to the present agreement.

Article 6

The present agreement shall enter into force on the date of exchange of notifications through diplomatic channels certifying its ratification by the competent authorities of the Parties. The agreement shall be implemented on an interim basis from the date of its signing.

Article 7

The present agreement is done in two originals, in the Croatian and the Serbian languages, both texts being equally authentic.

Signed in _____ day/month _____ year.

For the Republic of Croatia

For the Federal Republic of Yugoslavia

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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1163 (1998) of 17 April 1998 by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 20 July 1998, and requested me to report to it every 30 days on the progress of the implementation of the Settlement Plan (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, namely, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO). The present report covers developments since my previous report to the Council dated 18 May 1998 (S/1998/404).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. During the reporting period, my Special Representative, Mr. Charles F. Dunbar, pursued his consultations on various issues relevant to the implementation of the settlement plan. He met with the United Nations High Commissioner for Refugees at Geneva on 29 May 1998, with the Minister of State and Minister for the Interior, Mr. Driss Basri and the Prime Minister of Morocco, Mr. Abderrahmane Youssoufi, at Rabat on 1 and 2 June, and with the POLISARIO Coordinator with MINURSO, Mr. M'Hamed Khaddad, in the Tindouf area of Algeria on 3 June. My Special Representative also held consultations with senior United Nations officials in New York on 14 and 28 May and with my Personal Envoy, Mr. James A. Baker III, in Houston on 27 May. I also discussed with my Special Representative the situation concerning Western Sahara on 18 May. In addition, I met with the Prime Minister of Morocco in New York on 9 June, on the occasion of his first visit to Headquarters, to attend the twentieth special session of the General Assembly on the world drug problem.

Identification process

3. In May 1998, a total of 13,811 applicants to the referendum were identified by MINURSO. Identification thus proceeded at a substantially higher rate than during the previous month. As at 14 June 1998, 96,252 applicants had been convoked for identification since the resumption of the process in

December 1997. Of those, 67,360 came before the Identification Commission to be interviewed. With the 60,112 applicants who had been identified during the first phase of the process (August 1994-December 1995), this brings the total number of persons identified thus far to 127,472.

4. MINURSO presented the two parties with a provisional programme of identification for July 1998. It is hoped that an agreement on the programme will be reached shortly. In the meantime, the June programme includes identification at Camp Smara in the Tindouf area of Algeria, at Zouerate and Nouadhibou in Mauritania, and at Casablanca, El Kelaa des Sraghna, Marrakech and Sidi Kacem in Morocco.

5. Some 20,000 applicants from tribes other than the H41, H61 and J51/52 tribal groups remain to be convoked. Provided that both parties continue to cooperate fully, the identification of these applicants should be completed in August 1998. In the meantime, my Special Representative is pursuing his consultations with the two parties in search for possible solutions to the outstanding issue of the above-mentioned three tribal groups. However, both parties still maintain their positions with respect to these groups, as outlined in my previous report (S/1998/404, paras. 5 and 7). After completing his consultations, my Special Representative will submit to me his assessment and recommendations.

Military aspects

6. As at 15 June 1998, the military component of MINURSO stood at 351 observers and other military personnel (see annex). These include advanced elements of the engineering and demining units deployed in accordance with Security Council resolution 1148 (1998). Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities.

7. During the reporting period, preparations for the deployment of the Mission's military engineering unit from Pakistan and demining unit from Sweden continued, but encountered some logistical difficulties, as described below. Administrative difficulties also arose with regard to the free and timely provision of an accommodation site for the units, which the United Nations expects to resolve with the Moroccan Government. The advance party of the engineering company from Pakistan, comprised of 6 staff officers and 53 personnel, along with contingent-owned equipment, was deployed in Laayoune and Smara. Part of the company's equipment was transported to Smara, with logistical support from the Royal Moroccan Army. Two aircraft carrying MINURSO's demining personnel from Sweden were scheduled to arrive in the mission area on 30 May 1998. On that day, however, despite advance notification, they did not obtain clearance to enter Moroccan airspace and land at Laayoune. The aircraft were thus diverted to Las Palmas until the following day, when they finally received clearance to land at Laayoune. The advance party of the military demining personnel from Sweden, which is now deployed in the mission area, is comprised of 4 staff officers, 58 troops and 6 dogs.

8. On 30 May, the Moroccan authorities informed MINURSO that, for security reasons and according to the Kingdom's legislation, all weapons, ammunition and explosives of the MINURSO military units should be stored in depots of the Royal Armed Forces. This issue was discussed with the Permanent Representative of Morocco to the United Nations on 5 June and in the following days. In addition, on 11 June, the United Nations requested that, pending the conclusion of the status-of-forces agreement, the Moroccan Government confirm as soon as possible that the Mission's formed military units may carry their weapons and keep custody of their equipment and ammunition at their own sites, in accordance with the established practice for all United Nations peacekeeping operations. Pending the resolution of this crucial issue, the deployment of the military units has been postponed. However, once a positive reply from Morocco is received, the remaining military personnel and equipment from Pakistan and Sweden will be deployed immediately.

9. The status-of-forces agreements, the drafts of which were submitted to Morocco on 31 March 1998, and to Algeria and Mauritania on 3 April 1998, have yet to be concluded. I urge the three Governments, in particular Morocco, to conclude these agreements as soon as possible, since they would facilitate the conduct of operations to be undertaken by the MINURSO military personnel, pursuant to Security Council resolution 1148 (1998). This pending matter was also brought to the attention of the Prime Minister of Morocco during my meeting with him at Headquarters on 9 June.

Civilian police aspects

10. The total number of civilian police officers assigned to MINURSO stands at 78 out of an approved total of 81 (see annex). The remaining three personnel are expected to arrive in the mission area by late June 1998. Under the command of the Civil Police Commissioner, Chief Superintendent Peter Miller (Canada), the civilian police component of MINURSO continues to provide security and assist the Identification Commission at all identification centres. No incidents of civil disturbance were noted in the course of its operational activities.

Preparatory work for the repatriation of Saharan refugees

11. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) continued with its preparatory work for the repatriation of Saharan refugees, as provided for under the Settlement Plan (S/21360 and S/22464 and Corr.1). In view of the delays expected in the implementation of the Plan, UNHCR is adjusting its overall planning and operations, to ensure the smooth and timely implementation of its repatriation programme. This work is done in close cooperation and coordination with my Special Representative and the relevant components of MINURSO.

12. UNHCR organized a regional repatriation planning workshop in Geneva from 25 to 27 May, with the participation of MINURSO and the World Food Programme, to review its operational plans and exchange views on issues related to inter-agency coordination. A follow-up workshop is scheduled for July in Laayoune, and a donor briefing meeting for late June at Geneva, to issue a special appeal for funds to cover UNHCR's requirements for 1998.

13. The Frente POLISARIO has expressed to UNHCR its concern regarding the lack of preparation for the return of refugees within the Territory. Equally, refugees in the camps have also expressed concern about what they perceive as lack of progress in repatriation preparedness in the Territory. Many refugees interviewed by UNHCR indicated that they would be unwilling to return to the Territory west of the berm unless they were assured that the necessary conditions for their repatriation in safety and dignity are in place.

14. During the reporting period, further discussions were held among UNHCR, MINURSO and the Moroccan Government about UNHCR's role and its activities under the Settlement Plan, including the formalization of UNHCR's presence in Western Sahara, as well as freedom of access and movement of its personnel throughout the Territory. UNHCR hopes that these discussions will facilitate its efforts to start implementing confidence-building measures aimed at creating an atmosphere of trust, so that the refugees may return to Western Sahara in conditions of safety and dignity. Much work remains to be done in this regard. Accordingly, it is important that the Moroccan Government intensify its efforts to address all the relevant issues in order to avoid further delays in UNHCR's work.

15. UNHCR is also holding regular discussions with both parties and with the refugee communities regarding their concerns about the places of return and modes of transportation. Important discussions at a technical level are required, especially with the Moroccan Government, in order to enable UNHCR to resolve the outstanding issues and complete its planning for the voluntary repatriation of refugees.

16. UNHCR continued with its pre-registration exercise in Mauritania and the Tindouf refugee camps. It has thus far pre-registered 8,342 persons at Zouerate and 5,311 persons at Nouadhibou. At Camp Dakhla in the Tindouf area, pre-registration of 17,900 refugees was completed in mid-May 1998. At Camp Smara, pre-registration is scheduled to begin this month. Pre-registration is important, as it will enable UNHCR to gather information on the final destinations and family composition of refugees, and on the special concerns of vulnerable groups. It also serves as an important confidence-building activity, since UNHCR shares with the refugees information about the overall objectives of the settlement plan, the 1997 Houston agreements and UNHCR's mandated responsibilities. UNHCR appreciates the cooperation extended by the Frente POLISARIO, which granted it full access to the Tindouf camps for the conduct of its pre-registration exercise.

Other aspects

17. MINURSO has ascertained from the International Committee of the Red Cross that Morocco released the last group of Frente POLISARIO prisoners of war in November 1996. My Special Representative intends to discuss with the two parties the question of the release of Moroccan prisoners of war who may include Saharans held by the Frente POLISARIO, as well as Saharans presumed to be political prisoners and detainees.

III. OBSERVATIONS

18. The substantial increase in the pace of identification in May and early June and the cooperation extended by both Morocco and the Frente POLISARIO will, if sustained, enable MINURSO to complete the identification of all applicants from tribes other than tribal groups H41, H61 and J51/52 in August 1998.

19. However, the respective positions of the parties with regard to the identification of applicants from these three tribal groups remain a source of major concern. My Special Representative will continue to seek from the Government of Morocco and the Frente POLISARIO, by the end of June 1998, practical and concrete ways of resolving this problem. To this end, I again urge the two parties to cooperate with him in the search for appropriate solutions, with a view to enabling the successful and timely completion of the identification process. Once my Special Representative has completed his consultations (see para. 5 above) and assessed the views of the parties, he will submit his assessment, along with recommendations on what measures should be taken by the United Nations to move the process forward.

20. With respect to UNHCR, it is important that its presence in the Territory be formalized without further delay, so that it may undertake, in close cooperation with MINURSO, its work aimed at enhancing the confidence of refugees that they will be able to return under conditions of safety and dignity, as provided for in the Settlement Plan. My Special Representative, in coordination with UNHCR, will vigorously pursue this objective with the parties.

21. The Moroccan authorities recently indicated that they were reviewing the draft status-of-forces agreement, and the United Nations still awaits their formal response. No response has been received from the Governments of Algeria and of Mauritania. The early conclusion of these agreements would contribute markedly in overcoming the current difficulties in the deployment of MINURSO's formed military units (see paras. 7 and 8 above). It would also facilitate the conduct of operations to be undertaken by the Mission's military personnel pursuant to Security Council resolution 1148 (1998), as well as future military operations under the Settlement Plan. Therefore, I again urge the three Governments to respond positively so that the status-of-forces agreements can be signed without further delay, as requested by the Security Council in resolution 1163 (1998).

22. The transitional period, for which I hope to be in a position to present a revised schedule in my next report, will require full confidence in the United Nations on the part of Morocco and the Frente POLISARIO, and the returning refugees. It will require the total cooperation of the parties and the two neighbouring countries with the United Nations Mission in the process leading to the referendum. I urge both parties to cooperate with my Special Representative in the coming weeks in the resolution of current problems, so that an effective plan and a realistic schedule may be agreed upon for the final phase of the referendum process.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 15 June 1998

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5*
Bangladesh	6	-	-	-	6
Canada	-	-	-	6	6**
China	16	-	-	-	16
Egypt	19	-	-	2	21
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	5	6	53	8	72
Poland	3	-	-	-	3
Portugal	4	-	-	10	14
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	4	58	10	72
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	203	10	138	78	429

* In addition to the Force Commander.

** Including the Police Commissioner.

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GENERAL ASSEMBLY
Fifty-second session
Agenda items 36, 37 and 87
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-third year

Letter dated 18 June 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Today, Israeli Prime Minister Benjamin Netanyahu announced a programme to strengthen Israel's illegal hold on Jerusalem. This programme includes the creation of an "umbrella municipality" with administrative powers over nearby towns in Israel, as well as over some Jewish settlements in the West Bank. It includes accelerated construction of roads for those settlements, a multi-year housing investment plan and new infrastructure. The plan would be funded under the 1999 budget and will be presented to the Israeli Government on Sunday. On this matter, Mr. Netanyahu specifically stated "We said we would work to strengthen, fortify and base our hold on Jerusalem". He also stated "I think this is a basic change in Jerusalem's status which will be remembered as a turning point". The Prime Minister also said that "the first thing we are doing is to link 'Greater Jerusalem' and the second thing is strengthening the Jewish majority in Jerusalem". Regarding the Israeli attempt to build a new illegal settlement at Jabal Abu Ghneim to the south of occupied East Jerusalem, he made the following statement: "Write it down. You will see houses at 'Har Homa', many houses, by the year 2000".

This programme and the outrageous statements by the Prime Minister not only gravely violate international law, the Fourth Geneva Convention, many Security Council resolutions and the resolutions of the tenth emergency special session of the General Assembly, they also indicate obvious contempt for the values that these instruments represent and for the will of the international community.

98-17329 (E) 180698

The Prime Minister is also killing the Middle East peace process with such additional blatant violations of the existing agreements between the two sides.

It is obvious that signals sent recently by the Security Council in the form of presidential press statements on Israeli violations in Jerusalem and the other violations have not been sufficient to prevent such Israeli behaviour. We believe that the Security Council, as the body responsible for the maintenance of international peace and security, is under obligation to take specific concrete measures to prevent the above-mentioned programme and any other Israeli violations of international law and the Council's own resolutions.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the fifty-second session of the General Assembly, under agenda items 36, 37 and 87, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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S/1998/536
18 June 1998

ORIGINAL: ENGLISH

LETTER DATED 18 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a statement issued by the Ministry of Information and Culture of Eritrea at Asmara on 17 June 1998 concerning the condition of Eritrean civilians being harassed, expelled and detained by the Government of Ethiopia.

I should be grateful if you would kindly circulate this letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

98-17336 (E) 180698

/...

Annex

Statement on ordeals of Eritrean civilians detained, expelled and harassed by Ethiopia, issued on 17 June 1998 by the Ministry of Information and Culture of Eritrea

As the Government of Ethiopia continues to pursue its witch-hunt of Eritreans with greater intensity, 800 expelled Eritreans have arrived at the Eritrean border town of Om Hajer in the south-western tip of the country. They were sent on the longest and most arduous route to Eritrea. Meanwhile, reports coming from several sources indicate that thousands of Eritreans have been rounded up and are being held in a place called Guellele in the suburbs of the capital, Addis Ababa. The whereabouts of those arrested in other Ethiopian towns such as Mekelle, Bahr Dar and Dessie is not known. There is fear for the lives of those people, as there is no countervailing pressure from foreign embassies and international agencies in those areas. Moreover, the Government of Ethiopia continues to reject urgent demands from the international community to publish the full list of those it has arrested as well as those it is expelling.